

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 25-2-32 AND CHAPTER 25-2, SUBCHAPTER E, SECTION 4.4.5. OF THE CITY CODE RELATING TO VERTICAL MIXED USE BUILDINGS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-32(F) (*Zoning Districts And Map Codes*) of the City Code is amended to add the following map code and renumber the remaining map codes accordingly:

(9) vertical mixed use building V

PART 2. Chapter 25-2, Subchapter E, Section 4.3.5. (*Individual Neighborhood Consideration of VMU Requirements (“Opt-in / Opt-out Process”)*) of the City Code is amended to amend Paragraphs B.4. and B.5. to read:

4. City Council Decision. After considering the Planning Commission’s recommendations, the Council may by ordinance approve, approve with conditions, or deny each opt-in / opt-out request. The Council may concurrently amend the appropriate neighborhood plan. The neighborhood planning process does not apply to the amendment.
5. Effect of Approval. Following completion of this one-time opt- in/opt-out process:
 - a. The director shall indicate on the zoning map with map code “V” each property for which council has approved an exemption from the dimensional standards under Section 4.3.3.E.2, a parking reduction under Section 4.3.3.E.3, additional ground floor commercial uses under Section 4.3.3.C.2, or a reduction in the median family income for affordable rental housing under Section 4.3.3.F.2.b. [The Director shall amend the neighborhood plan combining districts and the zoning map to establish a conditional overlay district that shows the final decisions of the City Council on all opt-in/opt-out requests.]
 - b. Any subsequent amendments to the VMU standards in a neighborhood shall require amendment of the applicable neighborhood plan and neighborhood plan combining district.

1 c. Any property owner or neighborhood association may submit an
2 application to change the VMU rules on a specific property or properties
3 by amending the applicable neighborhood plan and neighborhood plan
4 combining district to opt-in to the exemption from the dimensional
5 standards of Section 4.3.3.E.2 and/or for the parking reduction of Section
6 4.3.3.E.3 and/or the additional ground-floor uses identified by Section
7 4.3.3.C.2.

8 **PART 3.** This ordinance takes effect on _____, 2007.

9 **PASSED AND APPROVED**

10 _____, 2007

11 §
12 §
13 §

14 Will Wynn
15 Mayor

16 **APPROVED:** _____

17 David Allan Smith
18 City Attorney

19 **ATTEST:** _____

20 Shirley A. Gentry
21 City Clerk